

	<h1>Garner Police Department</h1> <h2>Written Directive</h2>	
	<b>Chapter:</b> 800 – Operations	
	<b>Directive:</b> 850.02 – Animal Control Program	
<b>Authorized by:</b> Chief Joe Binns		<b>Effective Date:</b> June 15, 2021
<b>CALEA Standards:</b> N/A		

### 850.2.1 - Purpose

The purpose of this directive is to provide a description of the Animal Control Program, the duties and responsibilities of the Animal Control Officer, and guidelines for proper response to animal related calls for service by both animal control officers and police officers.

### 850.2.2 - Policy

It is the policy of the Garner Police Department to respond to all animal complaints within the corporate Town limits. These include, but are not limited to, dogs running at large, barking dogs, all injured/sick animals, and all animal bites.

### 850.2.3 – Definitions (from the Town of Garner Code of Ordinances)

- A. Animal Control Officer (ACO) – an employee or agent of the Town of Garner Animal Control Program authorized to enforce Chapter 3 of [TOG Code](#). (By default, all sworn Garner Police Officers are empowered as animal control officers for the purposes of this chapter).
- B. “At Large” – means when any animal is off the property of its owner and not under the restraint of a competent person.
- C. Services Officers – an employee or agent of the Town of Garner Animal Control Program authorized to enforce Chapter 3 of TOG code. For the purposes of this directive, all references to the authority and responsibilities of the Animal Control Officer are inclusive of the Services Officer.

### 850.2.4 – Animal Control Program

- A. The Animal Control Program has been developed by the Department to increase the quality of service to our customers in two ways:
  - 1. The program provides quicker, more effective response to animal complaints by employing personnel trained and focused on handling these issues.
  - 2. The program also provides information and education to the public in the following areas:
    - a. Animal bites,
    - b. Animal registration,
    - c. Rabies recognition and control,
    - d. Rabies vaccination, and

- e. Town Ordinances primarily related to barking dogs, dogs at large, and the number of dogs allowed on a property.
- B. The Animal Control Officer (ACO) is a non-sworn member of the police department. Their primary responsibility is to answer all animal related calls for service occurring during their tour of duty. The ACO will also transport animals, set traps, follow up on all animal complaint cases, enforce state laws and local ordinances relating to animals, euthanize injured/sick animals, and educate the public on animal related issues.
- C. The Animal Control Program and the ACO will be supervised by the Support Services Lieutenant and shall report to him/her on personnel issues and assignments.

#### **850.2.5 – Documenting Incidents Involving Animals**

- A. An incident report shall be completed when any of the following are reported:
  - 1. Confirmed animal cruelty cases;
  - 2. Animal bites requiring quarantine of the animal and/or medical treatment for the victim;
  - 3. Any attack on a domestic animal by another domestic animal; or
  - 4. Any situation where the investigating officer or a supervisor deems it appropriate to do so based on unique circumstances.
- B. Any animal incident not requiring an incident report will be documented as a “call for service” with the exception of an “animal at large” call where the animal is not located and the complainant does not wish to speak to the officer.
- C. The ACO or police officers may also utilize the Stray/Barking Dog or Animal Bite Report ([GPD form 850.2-A](#)) to document animal and related information prior to it being entered in the Department’s Records Management System.

#### **850.2.6 – After-Hours Animal Calls**

- A. The ACO typically works Monday through Friday during normal business hours. The ACO may be requested to respond while off-duty for the following incidents:
  - 1. Animal cruelty cases,
  - 2. A serious animal bite,
  - 3. A sick or injured dog or cat (not wild animals), or
  - 4. Vicious animals at large or needing to be taken into custody.
- B. The ACO should not be called out for routine animal calls (such as a dog at-large, a barking dog, or an injured/sick wild animal). The on-duty supervisor shall determine when to request an after-hours response from the ACO.

#### **850.2.7 – Follow-up Investigations**

Although patrol or services officers may be assigned an animal complaint while the ACO is off-duty, any follow up should normally be forwarded to the ACO. The ACO is required to follow up on all cases referred to him/her, including but not limited to the setting of traps, issuing warnings, and enforcing laws and ordinances.

**850.2.8 – Enforcement of the Town Code**

- A. The ACO will normally determine (on a case by case basis) whether to charge an animal owner with a Town Ordinance violation. In order to ensure citizens have an opportunity to be made aware of Town ordinances related to the Animal Control Program, the ACO will typically issue a warning for the first offense of the following violations:
  - 1. Barking dog – nuisance, and
  - 2. Dog running at large.
- B. In cases where a criminal violation occurs and/or a serious violation of a Town Ordinance occurs (i.e. a dog bite and/or attack of another animal or person or where a dog causes damage to another person's property), the ACO may charge the dog owner without first issuing a warning.
- C. The ACO can issue any civil citation applicable. If the case requires a criminal charge, the ACO can handle it in one of the following ways:
  - 1. The ACO may go present probable cause to the magistrate and obtain a warrant or summons for the offense. Once the warrant/summons is obtained, it will be served by a patrol officer; or
  - 2. In cases where custody is not required, the ACO may obtain the assistance of any officer. The officer can issue a citation to the dog owner and list the ACO and/or the complainant as a witness on the citation for court purposes.
    - a. The police officer shall advise the ACO and/or the complainant of the court date and it will be the responsibility of the ACO and/or the complainant to appear and testify in court.
    - b. The ACO will be responsible for coordinating with any complainant(s) or witnesses needed to appear in court.

**850.2.9 – Tranquilization and Euthanasia of Sick/Injured Animals**

- A. Upon receiving proper training, the ACO will be permitted to sedate sick/injured animals via tranquilizer or to euthanize sick/injured animals via lethal injection.
  - 1. All tranquilization and euthanasia solutions and chemicals used will be kept under the control of the ACO and they will follow all federal and state regulations pertaining to the storage and maintenance of these solutions and chemicals. Access to these chemicals will be limited to the ACO and the Support Services Lieutenant.
  - 2. The ACO will be responsible for documenting each use of a tranquilizer or euthanasia drug. All drug logs and usage records will be reviewed at least quarterly by the Support Services Lieutenant.
- B. Use of the tranquilizer gun shall be limited to the following purposes
  - 1. To capture a dog at large when:
    - a. The use of humane traps have proven to be unsuccessful;
    - b. The need to capture the animal requires immediate action, and waiting to set a trap may endanger people or property; and/or
    - c. The dog is or is suspected to be injured, have rabies, or another sickness.

2. To capture a wild animal when:
  - a. There is a need to capture the animal (other than it being "at large"), and it requires this action;
  - b. It is necessary to prevent possible injury to people or property; and/or
  - c. The animal is or is suspected to be injured, have rabies, or another sickness.
- C. Animals may be euthanized in the following circumstances:
  1. Self-defense from a vicious animal;
  2. To prevent the animal from injuring another person or animal;
  3. Sick, injured or suspected rabid wildlife;
  4. When the ACO determines it to be in the best interest of the animal or public safety based on the totality of the circumstances.
- D. During the performance of their duties it may be necessary for police officers to euthanize an animal. Officers will use those resources available to them (example: pistol, shotgun, etc.); they will not be permitted to use tranquilizer or euthanasia solutions.

#### **850.2.10 - Humane Traps**

- A. The Department utilizes humane animal traps as necessary to capture animals at large. The ACO is responsible for storage and maintenance of humane traps.
- B. The following is the protocol for using the traps:
  1. Cat and Dog Traps: These traps may be placed on private property as long as we have consent to do so from the property owner or person in immediate control of the property. Traps may be placed on any Town-owned property at the discretion of the ACO.
    - a. The ACO will be responsible for setting and baiting the trap.
    - b. Once a dog or cat has been captured, the ACO will transport the captured animal to the Wake County Animal Shelter.
    - c. The ACO will be responsible for retrieving the humane trap from the complainant's property.
  2. Wild Animals: Traps will not be set to catch wild animals except in the following cases:
    - a. The animal is suspected of being rabid, injured; or sick;
    - b. The ACO feels it is necessary to protect people or property; or
    - c. The ACO feels it is in the best interest of the animal to be captured.
- C. All non-injured or healthy wildlife caught in a Department trap shall be released in an area designated safe by the ACO.

#### **850.2.11 – Animal Bites**

- A. The Department will investigate all reported incidents of animal bites which occur within the Town limits. Every effort will be made to locate the animal involved in the bite case.
- B. Once the animal is located, the ACO or investigating police officer shall do the following:
1. If the animal involved is a domestic animal with a known owner, the officer shall attempt to obtain proof of a current rabies vaccination. The animal shall also be quarantined in one of the following ways:
    - a. The animal owner may be permitted to quarantine the animal on their own premises if they meet the following criteria:
      - 1) The animal is secured so it cannot run at large;
      - 2) The animal can be observed by the officer each day for 10 days;
      - 3) The animal is current on its rabies vaccination;
      - 4) The animal is not determined to be a dangerous or vicious animal;
      - 5) The owner signs a Home Confinement Agreement form ([GPD form 850.2-B](#)); and
      - 6) The officer agrees to this arrangement; or
    - b. The owner may transport the animal to a veterinarian of their choice, where the animal will remain for 10 days to be observed for abnormal or rabid behavior. The ACO will remain in contact with the veterinarian concerning the status of the animal's health; or
    - c. The ACO may transport the animal to the Wake County Animal Shelter. The animal will remain there for 10 days to be observed for abnormal or rabid behavior. The ACO will remain in contact with the shelter concerning the status of the animal's health.

(Note – if the owner refuses to quarantine the animal using one of the above options, the ACO may seize the animal and cite the owner for failure to quarantine as provided by the [Town of Garner Code of Ordinances](#)).
  2. If the animal involved is a wild animal or a stray domestic animal, the officer shall make considerable effort to capture the animal for examination.
    - a. The animal control officer is authorized to use a tranquilizer gun in these situations, if necessary to capture the animal.
    - b. Upon capture, the animal will be transported to the [Wake County Animal Shelter](#).
    - c. Once in the custody of the shelter;
      - 1) The shelter personnel will be notified the animal was involved in a bite; and
      - 2) Testing and disposition of the animal will be at the discretion of the shelter.